



JENNIFER M. GRANHOLM
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LABOR & ECONOMIC GROWTH
LANSING

KEITH W. COOLEY
DIRECTOR

STATE BOUNDARY COMMISSION

PROCEDURE FOR CONSOLIDATION

Petitioners:		<ol style="list-style-type: none">1. Accurately describe in the petition the boundaries of the area proposed to be consolidated. (Sec. 6, Act 279; 117.6)2. Represent in the petition that the territory meets the population conditions for consolidation. (Sec. 6, Act 279; 117.7)3. Attach a map or drawing to the petition clearly showing the territory to be consolidated. (Sec. 6, Act 279; 117.6)
Circulator of Petition or Proponent of Resolution:		<ol style="list-style-type: none">4. Shows map or drawing to each person before obtaining his or her signature on the petition or vote on the Resolution. (Sec. 6, Act 279; 117.6)
Petitioners:		<ol style="list-style-type: none">5. Attach an affidavit signed by one or more of the petitioners. (Sec. 6, Act 279; 117.6 and 117.11)6. Address the petition to the State Boundary Commission. (Sec. 7, Act 191; 117.9 [2])7. File the petition with the Manager of the Commission. (Sec 7, Act 191; 117.9 [2])
NOTE: At this point, two county members are added to the Commission. (Sec. 5, Act 191)		
Boundary Commission:		<ol style="list-style-type: none">8. Sends notice of a petition being filed within 10 days of filing to affected local and county clerks. (R.123.46(1))9. Reviews the petition for conformance to Acts 191 or 279 and to the rules and regulations of the Commission and: (Sec. 8, Act 191; 17.9 [2])

		<ul style="list-style-type: none"> a. Rejects the petition or resolution for: <ul style="list-style-type: none"> 1) Nonconformance with the Acts and the Commission's rules. 2) Containing incorrect statements. b. Returns the petition to the petitioners, together with their reasons and certificate of rejection, or c. Approves the petition and schedules a public hearing on the petition, and may expand the area proposed for consolidation. <p>10. Notifies the clerks of the affected municipalities and the county clerk of the hearing by certified mail at least 30 days before the date. (Sec. 8, Act 191; 117.9 [2])</p> <p>11. Gives notice of hearing at least 7 days before the date of the public hearing by publication in a newspaper of general circulation in the area. (Sec. 8, Act 191; 117.9 [2])</p> <p>12. Holds a public hearing on the petition. (Sec. 8, Act 191; 117.9 [2])</p> <ul style="list-style-type: none"> a. Not less than 60 or more than 220 days after the filing. b. At a convenient place in or reasonably near the area proposed to be consolidated.
Citizens and Officials:		13. Present evidence and testimony to the Commission. (Sec. 8, Act 191; 117.9 [2])
Boundary Commission:		14. Mails copies of, or a listing of, materials received at the public hearing and in the 30 days following the public hearing to the designated parties for the petitioner, city and township(s).
Designated Parties for the Petitioner, City and Township(s)		15. Submit information rebutting the material during a 7-day period designated by the Manager of the Boundary Commission.

Boundary Commission:	<p>16. Mails copies of, or a listing of, materials received during the 7-day period designated in Step 15 to the designated parties for the Petitioner, City and Township(s).</p> <p>17. Considers the reasonableness of the proposed consolidation, based on criteria established in Sec. 9. (Sec. 8, Act 191, 117.9 [2])</p> <p>18. Determines whether to: (Sec.10, Act 191, 117.9 [2])</p> <ul style="list-style-type: none"> a. Deny the proposed consolidation. b. Approve the consolidation. c. Approve the consolidation with a reduced or expanded area. <p>19. Adopts a resolution and order to: (Sec. 10, 191, 117.9 [2])</p> <ul style="list-style-type: none"> a. Deny the petition or resolution giving reasons for the denial, or b. Approve the petition or resolution, giving its reasons for the approval, or c. Approve the petition or resolution with a reduced or expanded area, giving its reasons for revisions and approval. <p>20. Sets the effective date of an approved consolidation and includes it in the order referenced in Step 19. (Sec. 6, Act 279; 117.9 [5])</p> <p>21. Sends a certified copy of its denial order to each affected county, city, village or township clerk (Sec. 6, Act 279; 117.9 [3])</p> <p>22. Sends a certified copy of its approval order to each affected county, city, village or township clerk and to the Secretary of State. (Sec. 6, Act 279; 117.9 [4] and [5])</p>
Voters in the Area Approved for Consolidation:	<p>23. Circulate a petition asking for a referendum on the consolidation question. (10(3), 191)</p>

NOTE: This petition must be signed by at least 5% of the registered electors residing in the area approved for incorporation by the Commission.		
Referendum Petitioners:		24. File the referendum petition with the commission within 45 days of the Commission's approval order. (Sec. 10(3), 191)
Boundary Commission:		<p>25. Verifies the validity of the referendum petition. (Sec. 10(4), 191)</p> <p>26. Instructs the Executive Secretary to consult with the affected clerks to determine a possible referendum election date.</p> <p>27. Orders an election to be held in the area approved for consolidation (Sec. 10(4), 191)</p> <p>28. Specifies a date after the election on which the Commission's approval order shall become final if the proposal is approved by the voters. (Sec. 10(4), 191)</p>
NOTE: Should the voters approve of the proposed consolidation or should no referendum petition be filed, the following steps would apply.		
		<p>29. Sends a certified copy of the Commission's approval order to the petitioner and the clerk of each affected county, city, village or township and to the Secretary of State. (Sec. 10(5), 191)</p> <p>30. Orders the election of the 9 charter commissioners at the next general election if it occurs not less than 40 days or more than 90 days after the order is issued. (Sec. 10(3), Sec. 10(5), 191), (117.8)</p>
NOTE: Although (117.8) states 40 days, this would be impossible since charter commission candidates must file their nominating petitions a minimum of 49 days prior to Election Day.		
		31. Orders a special election for the election of 9 charter commissioners if a general election is not to be held within 90 days. (117.8)

		<p>32. Directs the clerk of each affected municipality to immediately issue public notice of:</p> <ul style="list-style-type: none"> a. The last day for filing nominating petition for the office. b. Number of signatures required. c. Where to obtain nominating petition forms.
Each Charter Commission Candidate:		<p>33. Files a petition with the county clerk on or before 4 P.M., EST, of the same day of the week, 7 weeks prior to the day of the election. (OAG No. 1165, Biennial Report 49-50, p. 516; MSA 6.551)</p>
NOTE 1: A candidate must be an elector of the territory proposed to be incorporated. (117.15)		
NOTE 2: The nominating petition must be signed by 20 qualified electors residing in the territory proposed to be incorporated. (117.15)		
Boundary Commission:		<p>34. Requests the county clerk to have ballots printed in accordance with the Boundary Commission's prescribed form. (117.15)</p>
County Clerk:		<p>35. Prepares the ballot for charter commissioners and places at the head of the ballot the statement, "candidates for the members of the charter commission". (117.15)</p>
Each Village and Township Clerk:		<p>36. Arranges for the election of the charter commissioners. (117.10)</p> <p>37. Gives notice of the date and purpose of the election, as follows: (117.10)</p> <ul style="list-style-type: none"> a. Publishes in 1 or more newspapers published within the district at least once a week for 4 weeks before the election. b. Posts like notice in a least 10 public places in the district not less than 10 days before election. <p>38. Vote for charter commissioners. (Sec. 10, 191)</p>
Election Inspectors:		<p>39. Make returns to the local clerk(s) who when take the returns to the county clerk the day after the election. (MSA 6.1809)</p>

NOTE: “In local elections to be canvasses by the board of county canvassers which are not held in conjunction with a county or state election, the election inspectors shall deliver both sealed envelopes to the local clerk who shall deliver them to the county clerk prior to 11 A.M. on the day following the election.” (C.L. 168.809, MSA 6.1809)		
		40. Make returns to county clerk where the greater part of the proposed city is located if in more than 1 county. (117.12)
Village, Township or County Board of Canvassers:		41. Canvasses the vote for charter commissioners on the first Thursday following the election. (117.12)
NOTE: PA 65 of 1968 (MSA 6.1020(1)) established a 4 member board of canvassers in every city and township having more than 5 precincts, in each county with less than 1 million population, notwithstanding any statutory or charter provisions or any other rule or law to the contrary.		
		42. Certifies the election of the 9 persons receiving the highest vote to the successful candidates and the Boundary Commission. (117.15)
Boundary Commission:		43. Serves notice on charter commission to convene within 10 days.
Charter Commission:		44. Convenes within 10 days after the election and takes the constitutional oat of office. (117.15) 45. Certifies to the Boundary Commission that the first meeting has taken place. 46. Chooses its own officers. (117. 15) 47. Establishes the rules for its proceedings. (117.15)
NOTE 1: The charter commission has the power to fill vacancies in its membership.		
NOTE 2: Five or more of its members shall constitute a quorum.		
		48. Keeps a journal and when requested by a member enters roll call votes in the journal. (117.15)
NOTE: Although (117.15) provides that the charter commission shall frame a charter within 90 days after taking the oath of office, this is not deemed to be a mandatory limit, but it directory only. (OAG No. 2367, 1955, Vol. 1, p. 776; OAG Biennial Reports, 1914, p. 70)		
		49. Drafts a proposed charter.

		50. Sends the proposed charter to the Governor for his approval. (117.22)
Governor:		51. Reviews and approves the proposed charter, signs it and returns it to the charter commission, (117.22), or 52. Returns the proposed charter to the charter commission with a statement of his objections. (117.22)
NOTE: Steps 47 and 48 would apply only when the Governor has expressed objections to the proposed charter.		
Charter Commission:		53. Spreads the reasons for the Governor's objections upon its records. (117.22) 54. Reconsiders the charter in the light of the Governor's objections. (117.22)
NOTE: Steps 55 through 61 should be set forth and provided for in the schedule portion of the proposed charter.		
		55. Provides the manner of nominating the candidates for the first elective officers provided for in the proposed charter. (117.15) 56. Fixes the date of the first city election and referendum on the proposed charter. (117.15)
NOTE 1: The charter commission provides all other things that are necessary for the conduction of the election of the first elective officers of the proposed city.		
NOTE 2: This election is held in conjunction with the referendum on the proposed charter.		
		57. Publishes the proposed charter at least once in 1 or more newspapers published in the proposed city, not less than 2 weeks or more than 4 weeks preceding the election. (117.15) a. Includes a notice of the election and that on the date fixed the question of adopting the proposed charter will be voted on. b. Assures that the elective officers provided for in the charter will be elected on the same date. 58. Posts notices of the election in at least 10 public places within the proposed city, not

		less than 10 days prior to the election. (117.15)
		59. Provides 1 or more polling places for the election and posts notices of their location in at least 10 public places not less than 10 days prior to the election. (117.15)
		60. Appoints the election inspectors. (117.115)
NOTE: Election procedures should follow the requirements of the state election laws.		
		61. Submits the prepared charter to the electors of the affected territory for their approval or rejection. (117.22)
Electors:		62. Approve or disapprove the proposed charter. (117. 22) 63. Make returns to the local clerk(s). (MSA 6.1809)
Local Clerks:		64. Take the returns to the county clerk the day after the election. (MSA 6.1809)
NOTE: See note under step 39.		
Village, Township or County Board of Canvassers:		65. Canvasses the vote for and against the charter. (MSA 6.1030(1))
NOTE: See note under step 39.		
<u>FOLLOW STEPS 60 THROUGH 64 ONLY IF CHARTER IS APPROVED</u>		
Charter Commission:		66. Files a copy of the approved charter with the Boundary Commission.
Charter Commission and Boundary Commission:		67. Secure certificates from the boards of canvassers showing: 117.13 a. The total number of vote's case if a referendum election on the question of incorporation was held, including the votes cast for and against the question. b. The votes received by each charter commission candidate. c. The votes for and against the charter d. The votes for all candidates for the new city's first elective officers.

		<p>68. Attach to the initiatory petition every resolution, affidavit or certificate necessarily following the petition, including the certificates of step 61. (117.13)</p> <p>69. File the initiatory petition and its attachments along with 2 copies of the charter with the county clerk or clerks and the Secretary of State. (117.13 and 117.24)</p>
County Clerk(s) and Secretary of State:		70. Each record the copies of the petition and its attachments in a book to be kept for that purpose. (117. 13)
NOTE 1: Either of such records or certified copies shall be prima facie evidence of the incorporation. Upon filing, the charter becomes law unless a later date is set in the charter.		
NOTE 2: Should the proposed charter be rejected, the person receiving the most votes for mayor, serves as de facto officer until a mayor is elected and qualified pursuant to a charter approved by the electors. In such event, steps 65 through 67 may be taken.		
De Facto Officer:		71. Reconvenes the charter commission if no petition is filed for election of a new charter commission. (117.16)
Charter Commission:		72. Revises the proposed charter for resubmission to the electors. (117.16)
Charter Commission:		<p>73. Revises the proposed charter for resubmission to the electors. (117.16)</p> <p>74. Resubmits the proposed charter to the electors. (117.16)</p>
NOTE: If, on submission of a second charter, a favorable vote is not obtained, the incorporation proceedings shall be ended. If a charter has not been adopted within a period of 2 years following the date of the commission's order becomes final, or if within the 2 year period the charter commission does not reconvene within 90 days after the defeat of the first proposed charter, the incorporation proceedings are ended. (Sec. 10(6), 191)		
Qualified Electors:		75. May petition the de facto mayor for an election to select a new charter commission, by filing the signatures of 300 qualified electors. (117.17)
NOTE: Must be filed within 10 days of the canvass of the vote on the charter.		

De Facto Officer:		<p>76. Certifies upon the petition that it contains the required number of signatures. (117.17)</p> <p>77. Files the petition with the Boundary Commission. (117.17)</p>
Boundary Commission:		<p>78. Gives notice to the filing of the petition in the same manner as upon the filing of the original incorporation petition. (117.17)</p> <p>79. Orders the election of a new charter commission in the same manner as the first charter commission.</p>
Electors of the Affected Territory:		<p>80. Repeat the procedures of electing a charter commission, drafting a charter and voting on the proposed charter. (117.17)</p>